

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA 2012 MAR 28 AM 11:38
SAVANNAH DIVISION

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MICHAEL J. KISTLER and HUTCH)
HOLDINGS, INC.,)
)
Plaintiffs,)
)
v.)
)
FEDERAL DEPOSIT INSURANCE)
CORP., as Receiver of First)
National Bank, and FIRST)
NATIONAL BANK,)
)
Defendants.)

CASE NO. CV411-024

MICHAEL J. KISTLER,)
)
Plaintiff,)
)
v.)
)
FEDERAL DEPOSIT INSURANCE)
CORP., as Receiver of First)
National Bank,)
)
Defendant.)

CASE NO. CV411-025

O R D E R

Before the Court are the parties' Joint Motions to Consolidate (CV411-024, Doc. 11; CV411-025, Doc. 12.) In the motions, the parties request that the Court consolidate these cases under Federal Rule of Civil Procedure 42(a) because they arise from the same facts and circumstances, and have common questions of law and fact. After careful consideration, the motion is **GRANTED**. The Clerk of Court

is **DIRECTED** to consolidate both cases into case number CV411-024, under the caption MICHAEL J. KISTLER and HUTCH HOLDINGS, INC. v. FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for First National Bank.

Subsequent to the Joint Motions to Consolidate, Defendant Federal Deposit Insurance Corporation, as Receiver of First National Bank ("FDIC-R") filed a Motion for Summary Judgment in CV411-024. (Doc. 19.) Because the Court is hesitant to bind the parties to their arguments with respect to this motion now that these cases have been consolidated, the Court will **DISMISS** the pending motion and **GRANT** Defendant FDIC-R thirty days from the date of this order to refile any amended motion for summary judgment.¹ Plaintiff shall then have twenty-one days from the date of service to file its response. Both parties should be aware, however, that the Court will not accept any motion or response that incorporates by reference any factual allegation or argument contained in an earlier filing. Each brief and response should be a stand-alone filing that independently contains all the factual allegations and

¹ The Court notes that no dispositive motion were filed in CV411-025 and that the complaints in both cases raise different claims. Therefore, Defendant should be sure to address all of Plaintiffs' claims in its amended Motion for Summary Judgment.

arguments that the filing party wishes the Court to consider.

SO ORDERED this 28th day of March 2012.

A handwritten signature in black ink, appearing to read 'William T. Moore, Jr.', written over a horizontal line.

WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA